

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

CAROL J. WHITEMAN,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security
Administration,

Defendant.

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No. 06-CV-237-SAJ

OPINION AND ORDER

Comes on for hearing Plaintiff's Motion for Attorney Fees Pursuant to the *Equal Access to Justice Act*, ("EAJA"), [Dkt. # 28], and the court, having reviewed the arguments and authority presented, finds the motion should be denied.

Plaintiff's motion is actually a supplemental motion for attorney fees for time spent by counsel in preparing reply brief for Plaintiff's original motion. The sole issue to which the brief was directed was whether EAJA fees should be awarded to Plaintiff's counsel or to Plaintiff. That issue has been decided by the Tenth Circuit Court of Appeals in *Manning v. Astrue*, 510 F. 3d 1246 (10th Cir. 2007) against the position taken by Plaintiff in reply brief.

IT IS THEREFORE ORDERED THAT Plaintiff's Motion for Attorney Fees Pursuant to the *Equal Access to Justice Act*, ("EAJA"), [Dkt. # 28] is denied.

DATED THIS 24TH DAY OF MARCH, 2008.


Sam A. Joyner
United States Magistrate Judge